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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,562	08/20/2001	David H. Parker	17645-130	6565

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EXAMINER
TON, ANABEL

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/933,562	PARKER ET AL.	
	Examiner	Art Unit	
	Anabel M Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *47 and 56* is/are allowed.

6)☒ Claim(s) *1-10,21-25,34,36,40-42,44,45,51-55 and 59,61* is/are rejected.

7)☒ Claim(s) *11-19,26-33,35,37-39,43,46,48-50,57-58 and 60* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8,10,40,41 are rejected under 35 U.S.C. 102(e) as being anticipated by Hon (6,364,504).

3. Hon discloses a barrel (12), the barrel being for mounting batteries such that when the batteries are in the barrel, an array of several batteries are in side by side relationship radially around a central longitudinal axis extending through the barrel, a lamp (32,34),

- A switch, a circuit, the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp (22), b) a lens (60), c) a cap for the barrel (62); and d) a pistol grip handle extending transversely from the barrel (14);
- The handle includes a mounting for a trigger, the trigger including magnetic means being operable to activate the switch through a wall of the barrel, and the switch being contained inside the barrel (24);

- The barrel has a forward end and a rear end, and the handle engages the barrel at a position substantially midway between the forward end and the rear end (figs 1 and 4); the barrel is substantially partially egg-shaped from the forward end to the rear end, and the forward end being substantially truncated and being for receiving the cap in a sealing relationship with the barrel (figs 1 and 4);
- Wherein the truncation effectively creates a half-egg shape (12); the trigger is contained in a housing, and the housing is at least partly retained in position in a receptacle in the handle by the cap (fig 3).
- The batteries are mounted in a housing, the housing being removable from the barrel when the cap is removed from the barrel (fig 4); the housing is a substantially cylindrical element for mounting multiple batteries in an axial relationship around the axis of the housing (fig 4);
- Contacts external to the housing for mounting batteries on an outside wall of the housing (fig 8b),
- Wherein the outside wall is the base of the housing (fig 8); a closure to the housing, the closure to the housing including means for mounting the lamp (fig 4, 49);
- The closure is mounted to close the housing in a tongue and groove manner, the closure and opening being effected by relative rotation of the closure member on one end of the housing (fig 4);

- A mounting for a switch and circuit on an outside wall of the housing (fig 4); the switch includes a reed switch operable by the trigger on the handle (fig 4); (fig 8b) wherein the batteries are rechargeable;
- The housing includes the electrical components for the batteries, the batteries and whereby the operation of the flashlight by the switch is effected by an element mounted on the flashlight unassociated with the housing (fig 4);
- The batteries are located in the barrel in a manner to relatively maximize the battery power and minimize the amount of unused space in the barrel (fig 4);
- The handle and barrel are ergonomically structured to promote a balance in the flashlight thereby to substantially balance the flashlight with eight batteries mounted in the barrel to enable the flashlight to stand on a base of the handle without tipping forward or backward (fig 4).
- The handle is formed of elements cut out from structure forming the handle so as to enhance lightness of the handle while at the same time retaining the structural strength of the handle (fig 4).
- The handle includes two component materials, a relatively more rigid forward material to be gripped by fingers of a user and a relatively less flexible material for location about the base of a hand of a user when the hand of a user surrounds the handle (16,14).
- A flashlight comprising: a) a barrel, the barrel being for mounting batteries, a lamp, a switch, a circuit, the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp, b) a lens, c) a cap for the barrel,

and d) a trigger, the trigger including magnetic means being operable to activate the switch through a wall of the barrel, and the switch being contained inside the barrel (fig 4).

- A flashlight comprising: a) a barrel, the barrel being for mounting batteries, a lamp, a switch, a circuit, the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp, b) a lens; c) a cap for the barrel; d) a pistol grip handle extending transversely from the barrel; and e) wherein batteries are mountable in a housing, the housing being removable from the barrel when the cap is removed from the barrel including contacts external to the housing for mounting batteries on an outside wall of the housing (fig 4)
- A flashlight comprising: a) a barrel, the barrel being for mounting batteries, a lamp, a switch, a circuit, the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp, b) a lens; c) a cap for the barrel; d) a pistol grip handle extending transversely from the barrel; and e) a closure to a housing for batteries, the closure to the housing including means for mounting the lamp (fig 4)
- The closure is mounted to close the housing in a tongue groove manner, the closure and opening being effected by relative rotation of the closure member on one end of the housing (fig 4)
- The housing includes the electrical components for the batteries, and whereby the operation of the flashlight by the switch is effected by an element mounted on the flashlight unassociated with the housing (fig 4, 22).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 9,34,36,41,59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hon.

6. Hon discloses the claimed invention except for the recitation of the trigger is mounted in a housing, the housing being removable located in a receptacle, and the housing being capable of being selectively removed from the receptacle. With regards to the aforementioned limitation, it would have been obvious to one or ordinary skill in the art at the time the invention was made to make the housing removable since it has been held that constructing a formerly integral structure, such as that of Hon's, in various elements involves only routine skill in the art. In re Lindberg, 93 USPQ 23(CCPA 1952).

- Locking means on the handle, the locking means being a slidable element mounted in the handle for movement towards and away from the housing of the trigger, and when moved in a position towards the housing of the trigger acts to lock the trigger in one position and thereby promote containing the housing in a

receptacle in the handle and wherein movement of the slidable element from the position engaging the trigger acts to permit the trigger to move between on and off positions (fig. 3, col. 3 lines 46-63).

- With regards to the flashlight including a gasket between the cap and the barrel, the gasket permitting a watertight seal to be formed between the barrel, the gasket, the cap and a transparent face mounted with the cap, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a gasket to form a seal between the cap and barrel of Hon since the examiner takes Official Notice of the use of gaskets in lighting devices for the purpose of providing a watertight seal as old and well known in the art.

7. Claims 10,21-25,42,44,45,51-55,61 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Hon as applied to claim1 above, and further in view of Jones et al.

- Hon discloses the claimed invention except for the recitation of the reflective surface being substantially parabolic with multiple protrusions arranged on the reflective surface. Jones et al discloses a substantially parabolic reflector with multiple protrusions arranged on the reflective surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a reflective surface being substantially parabolic with multiple protrusions arranged on the reflective surface in the invention of Hon for the purpose of maximizing the reflected light in a forward direction;

- The irregularities are arranged in rows from a base of the parabolic reflector towards the edge of the parabolic reflector, there being multiple protrusions in each row;(fig 2c, Jones et al)
- Wherein successive rows are offset relative to irregularities in adjacent rows.
- A flashlight comprising: a) a barrel, the barrel being for mounting batteries, a lamp, a switch, a circuit, the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp; b) a lens for the barrel; and c) a reflective surface, the reflective surface being substantially parabolic with multiple irregularities arranged on the reflective surface wherein the irregularities substantially adjacent to the base of the parabolic reflector are relatively smaller than the size of the protrusions towards the edge of the parabolic reflector (fig 2c, Jones).
- With regards to the about 1,260 formations arranged in about 21 rows from the base of the parabolic reflector towards the edge, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have such a number for formations and rows in a reflector for application in a lighting device since it has been held that where the general conditions of a claim are disclosed (in this case Jones satisfies a numerical value of formations and rows) in the prior art, discovering optimum or workable ranges involves only routine skill in the art. *In re Aller*,105 USPQ 233.
    - With regards to the lighting device having an unsymmetrical filament in a lamp, an imperfect filament location relative to a vertex of the parabolic reflector, Jones et al in figures 1-3 in combination with the parabolic reflector with protrusions.

- Jones teaches in figure 2c, the multiple irregularities arranged on the reflective surface where in the irregularities substantially adjacent to the base of the parabolic reflector are relatively smaller than the size of the protrusions towards the edge of the parabolic reflector.

Allowable Subject Matter

8. Claims 11-19,26-33,35,37-39,43,46,48-50,57-58,60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 47 and 56 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach the following.

- The multiple protrusions are substantially hemispherical protrusions arranged around the reflective surface.
- The lamp includes a filament, the filament being located substantially at the vertex of the parabolic reflector and wherein the array of protrusions on the reflector surface is adapted to disperse a fraction of light intensity into a relatively conical pattern of light, the dispersion resulting into a relatively larger diameter of light pattern emanating from the lamp.
- A flashlight comprising: a) a barrel, the barrel being for mounting batteries such that when the batteries are in the barrel, an array of several batteries are in side

by side relationship radially around a central longitudinal axis extending through the barrel (fig 4), a lamp, a switch, a circuit, the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp; b) a lens, the lens including a reflective surface, **the reflective surface being substantially parabolic with multiple protrusions arranged on the reflective surface, the multiple protrusions being substantially hemispherical protrusions arranged around the reflective surface, and the protrusions being; arranged in rows from a base of the parabolic reflector towards the edge of the parabolic reflector**, there being multiple protrusions in each row; c) a cap for the barrel; and d) a pistol grip handle extending transversely from the barrel.

- A flashlight comprising: a) a barrel, the barrel being for mounting batteries, a lamp, a switch, a circuit, the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp, b) a lens; c) a cap for the barrel; d) a pistol grip handle extending transversely from the barrel; and e) **wherein the handle and barrel are ergonomically structured to promote a balance in the flashlight thereby to substantially balance the flashlight with eight batteries mounted in the barrel to enable the flashlight to stand on a base of the handle without tipping forward or backward.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton
Examiner
Art Unit 2875

AMT